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**BZA-1849**  
**SHEEHAN CONSTRUCTION CO.**  
**Variances**

**STAFF REPORT**  
**February 16, 2012**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with consent of owner and represented by Joseph Bumbleburg of Ball Eggleston, is requesting the following variances for proposed 3,600 sq. ft. eating and drinking establishment:

1. To reduce the number of required parking spaces from 36 to 19 (1 space required per 100 sq. ft. of gross floor area) (UZO 4-6-3); and
2. To permit parking spaces between the right-of-way of State Street and the proposed building (UZO 4-6-14(f));

The CBW-zoned property, the site of the former Long John Silver's Building, is located at 240 E. State Street in West Lafayette, Wabash 20 (SW) 23-4.

**STAFF COMMENTS:**

The site plan submitted with this application indicates a drive-thru will be installed at the site. A drive-thru is only permitted in the GB zone in West Lafayette; this site is zoned CBW. A drive-thru was located at the former Long John Silver's operation, but was considered a non-conforming use. To continue that non-conforming right (under UZO 5-1-2) the new eating and drinking establishment must use the existing structure and the cubic content of the structure cannot be increased. Petitioner intends to raze the old restaurant, increase its size by 1,000 sq. ft. and move the new building to a different corner of the lot. Because "a variance granted by the ABZA applies only to the situation illustrated in petitioner's site plan" (UZO 6-4-5(d)), this site plan represents a use variance and cannot be heard.

Additionally, there are some other concerns that need to be addressed if this case is continued and heard at a later meeting:

- The existing driveway onto State Street/SR 26 will need to be evaluated by INDOT and the Technical Transportation Committee to determine if access is adequate;
- The City of West Lafayette has concerns about the impact of two potential tenants at this site;
- If the drive-thru remains, the zoning district must be re-evaluated.

At its meeting on February 15, 2012, the Area Plan Commission voted that the variances requested **ARE** use variances.

**STAFF RECOMMENDATION:**

Petitioner has two options at this juncture: continue so that the site plan may be revised or withdraw the requests.